IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.13609-M of 2007
Date of Decision:- 09.10.2007

Kishori Lal Verma ....Petitioner(s)

through
Mr.Sanjay Mittal, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J. (ORAL)

The prayer in this petition is to grant pre-arrest bail to the petitioner in F.I.R.No.13 dated 29.1.2007 under Sections 498-A, 406 IPC, registered at Police Station, Nangal chaudhary, District Mahendergarh.

The above-stated F.I.R. has been registered on a complaint made by the petitioner's wife Smt.Savita Devi.

Prior to solemnization of their marriage on 7.6.2006, the petitioner was a widower whereas his complainant-wife was a widow as both of them had unfortunately lost their first spouse on 9.11.2005 and 30.8.2005 respectively. While the petitioner has three children out of his first wedlock his complainant-wife has two children out of her first wedlock.

Their second marriage is also now de-railed.

The petitioner, however, has averred that the unfortunate

matrimonial dispute stood resolved and a compromise has been effected. In the light of the said plea, the Investigating Officer was directed to contact the complainant-wife and find out her stand in this regard.

Mr.Tarun Aggarwal, learned Sr.DAG, Haryana, has produced an affidavit dated 8.10.2007 purported to be of the complainant-wife wherein she has stated that as per the compromise, the petitioner was required to take her back but he has never turned up to take her back to their matrimonial home, therefore, the compromise has not been acted upon

It is, however, not disputed by learned State counsel that pursuant to interim order dated March 05, 2007, the petitioner has joined the investigation and is no longer required for the said purpose.

Having heard learned counsel for the parties and keeping in view all the attending circumstances, the ad-interim order dated March 05, 2007 is made absolute subject to, however, following conditions:-

(i) the petitioner shall pay an interim maintenance of Rs.2500/- per month to his complainant wife which shall be paid to her on or before 10th day of every calendar month;

(ii) the aforesaid amount shall be subject to increase or decrease, as the case may be, in the proceedings, if any, initiated by the complainant-wife under Section 125 Cr.P.C;

(iii) the petitioner, however, shall not be liable to pay any interim maintenance if his complainant-wife joins his

company in terms of the alleged compromise; and

(iv)the petitioner shall surrender before the learned trial Court and furnish the requisite bail bonds upon which he will be admitted to regular bail.

October 09, 2007 **(SURYA KANT)**
poonam **JUDGE**